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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,674	04/16/2004	Tsutomu Imai	XA-10074	8651
181 7590 05/31/2007 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER DEBNATH, SUMAN	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/825,674		IMAI ET AL.	
	Examiner		Art Unit	
	Suman Debnath		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/16/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are pending in this application.
2. Claims 17-30 are cancelled in the preliminary amendment filed 16 April 2004.
3. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Specification

4. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Appropriate correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell et al. (Patent No.: US 7,155,415 B2), hereinafter "Russell".

7. As to claim 1, Russell discloses nonvolatile memory device comprising a control circuit and a nonvolatile memory circuit (abstract, column 5, lines 45-62),

wherein said nonvolatile memory circuit includes a storage region for restriction information that restricts access to contents information (FIG. 4, column 9, lines 30-67, which describes licensing data stored in a protected database),

wherein said restriction information includes access time limit information and access time stamp information (column 9, lines 14-30, "a data field 320 which contains information on the date on which the user's ability to play the movie will expire", column 11, lines 59-67 and column 12, lines 1-25, which describes a rental model of allowing the user only a certain number of viewings within a certain time period which would require access time stamp),

wherein said control circuit performs an access decision operation which decides whether access to said contents information is enabled or disabled, based on first time information which is supplied externally and said restriction information, and updating said access time stamp information based on said first time information (column 12, lines 25-67, "...the DRM on the user's UND seeks for a license associated with the

movie in the PD", Furthermore, Russell teaches of updating access time in order to support "one-time viewing" rental model),

wherein said control circuit decides that access is disabled in the case where said first time information is later than the access time limit given by the access time limit information or in the case where said first time information is earlier than the access time stamp given by said access time stamp information, in the case other than these cases, said control circuit decides that the access is enabled (column 9, lines 14-30, column 11, lines 59-67 and column 12, lines 25-67, "...if the rental model called for a one-time viewing, then the second time the user attempted to view the movie, the DRM would inhibit the second viewing"), and

wherein said control circuit performs the access decision operation, at least, at the start of access to said contents information and at the end of the access (column 11, lines 20-67 and column 12, lines 1-67, "The watermarks would then restrict the user to rewinding or fast-forwarding the movie files..").

8. As to claim 2, Russell discloses a nonvolatile memory device comprising a control circuit and a nonvolatile memory circuit (abstract, column 5, lines 45-62),

wherein said nonvolatile memory circuit includes a storage region for restriction information that restricts access to contents information (FIG. 4, column 9, lines 30-67, which describes licensing data stored in a protected database),

wherein said restriction information includes access time limit information and access time stamp information (column 9, lines 14-30, "a data field 320 which contains

information on the date on which the user's ability to play the movie will expire", column 11, lines 59-67 and column 12, lines 1-25, which describes a rental model of allowing the user only a certain number of viewings within a certain time period which would require access time stamp),

wherein said control circuit performs an access decision operation which decides whether access to said contents information is enabled or disabled, based on first time information which is supplied externally and said restriction information, and updating said access time stamp information based on said first time information (column 12, lines 25-67, "...the DRM on the user's UND seeks for a license associated with the movie in the PD", Furthermore, Russell teaches of updating access time in order to support "one-time viewing" rental model),

wherein said control circuit decides that access is disabled in the case where said first time information is later than the access time limit given by the access time limit information or in the case where said first time information is earlier than the access time stamp given by said access time stamp information, in the case other than these cases, said control circuit decides that the access is enabled (column 9, lines 14-30, column 11, lines 59-67 and column 12, lines 25-67, "...if the rental model called for a one-time viewing, then the second time the user attempted to view the movie, the DRM would inhibit the second viewing"), and

wherein said control circuit performs the access decision operation, at least, when operating power supply to the nonvolatile memory device is turned on and when the operating power supply is turned off (column 11, lines 20-67 and column 12, lines 1-

67, Russell teaches this concept by restricting users to rewinding or fast-forwarding the movie files).

9. As to claim 3, Russell discloses the nonvolatile memory wherein said nonvolatile memory circuit includes a storage region for said contents information and said nonvolatile memory device allows a plurality of divisions of said contents information to be stored in separate locations and to be accessed discretely (column 9, lines 30-67, Russell teaches the concept of using plurality of divisions by storing data in magnetic disk storage and data is accessed discretely, e.g. see, column 9, lines 30-67 and column 11, lines 20-46), and

wherein, after said access decision operation decides that initial access to one of the divisions is enabled, said access decision operation may be performed each time accessing each of or a given number of the remaining divisions of said contents information (column 11, lines 20-67 and column 12, lines 1-67, Russell teaches this concept by restricting users to rewinding or fast-forwarding the movie files).

10. As to claim 4, Russell discloses the nonvolatile memory device wherein the divisions of said contents information are accessed in units of sectors (column 9, lines 30-67, Russell teaches the concept of accessing in units of sectors by storing data in magnetic disk storage which would require to store in units of sector).

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11. As to claim 5, Russell disclose the nonvolatile memory device wherein the access decision operation for access to the divisions of said contents information is programmed such that the access decision operation for access to the second and subsequent divisions of said contents information decides that access is enabled even when the first time information is later than the access time limit given by the access time limit information (column 11, lines 20-67, Russell teaches this concept by decrypting the entire movie file once the license is enabled).

12. As to claim 6, Russell discloses the nonvolatile memory device wherein said nonvolatile memory device is used, coupled to an external device capable of outputting said first time information, and said nonvolatile memory device is capable of outputting the divisions of said contents information to said external device (column 10, lines 45-57, "Media player 440 may be communicatively coupled to monitor 444 through hardware interface 442").

13. As to claim 7, Russell discloses the nonvolatile memory device according to claim 3, wherein said nonvolatile memory circuit is a nonvolatile semiconductor memory and is housed in a certain memory card casing having interface terminals for connection to an external device (FIG. 4, column 9, lines 35-60 and column 11, lines 10-40, Russell teaches this concept by storing encrypted data in non-volatile memory).

14. As to claim 8, Russell discloses the nonvolatile memory device wherein said restriction information is encrypted by said control circuit and stored into said nonvolatile memory circuit (column 9, lines 35-60 and column 11, lines 10-40, "...encrypted license data objects within PD 416").

15. As to claim 9, Russell discloses the nonvolatile memory device wherein an encryption key that is used to encrypt said restriction information is attribute information unique to the nonvolatile memory device (column 11, lines 10-20, Russell teaches this concept by encrypting the license data objects).

16. As to claim 10, Russell discloses the nonvolatile memory device wherein said control circuit is capable of outputting certificate information to the external in order to receive a contents information license including a contents key that is used to decrypt said contents information (column 8, lines 10-35 and column 11, lines 10-20, "...included in the license data objects is encryption key for decrypting the encrypted movie file").

17. As to claim 11, Russell discloses the nonvolatile memory device wherein said control circuit receives said contents information license from the external and stores said contents information license into said nonvolatile memory circuit (column 12, lines 38-45, "...the DRM on the user's UND seeks for a license associated with the movie in the PD").

18. As to claim 12, Russell discloses wherein said control circuit stores time information that is received with said contents key into said nonvolatile memory circuit as initial information of said access time stamp information (column 11, lines 10-20, "expiration date").

19. As to claim 13, Russell discloses the nonvolatile memory device wherein said nonvolatile memory circuit comprises a restricted access region and an unrestricted access region, wherein said restriction information is stored into the restricted access region, and wherein said contents information is stored into the unrestricted access region (column 9, lines 30-40 and column 11, lines 5-40, Russell discloses restricted access region by implementing DRM access to PD).

20. As to claim 14, Russell discloses the nonvolatile memory device wherein said control circuit is allowed to write data into said restricted access region only after authentication is accepted from the external (column 8, lines 10-35 and column 12, lines 45-52).

21. As to claim 15, Russell discloses the nonvolatile memory device wherein said restricted access region is to store a contents information license (column 11, lines 5-40).

22. As to claim 16, Russell discloses the nonvolatile memory device wherein said control circuit is allowed to read data from said restricted access region only after certificate information given from the external is authenticated (column 8, lines 10-35 and column 12, lines 45-52).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

- US 2004/0088730 A1 – Video license distribution system.
- US 2003/0028652 A1 – Digital data accessible for a predetermined period of time.
- US 2003/0040962 A1 – On-demand rental and purchase of digital data products.
- US 2002/0013940 A1 – Content rental system.

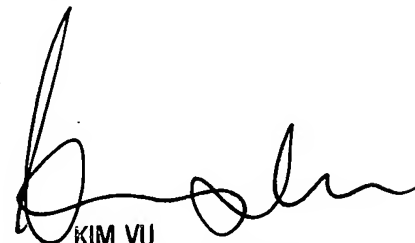
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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